

AMENDED IN ASSEMBLY MARCH 26, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

Assembly Joint Resolution

No. 2

Introduced by Assembly Member Caballero

(Coauthors: Assembly Members Arambula, Coto, De Leon, Fuentes, Hernandez, Mendoza, Nava, John A. Perez, V. Manuel Perez, Salas, Saldana, Solorio, and Torres Torres, and Torrico)

(Coauthors: Senators Cedillo, Correa, Florez, Negrete McLeod, and Oropeza)

January 22, 2009

Assembly Joint Resolution No. 2—Relative to Mexican braceros.

LEGISLATIVE COUNSEL'S DIGEST

AJR 2, as amended, Caballero. Mexican braceros: settlement.

This measure would urge the United States government to urge the Mexican government to extend the deadline for Mexican laborers, known as braceros, who worked in the United States beginning in 1942 as part of a labor importation program initiated by the United States to alleviate a labor shortage during World War II, to submit a claim to recover unpaid wages from a specified settlement fund. It would also urge the United States government to urge the Mexican government to accept a variety of documents as proof of a valid claim.

Fiscal committee: no.

- 1 WHEREAS, The “Bracero” program was a labor importation
- 2 program initiated by the United States government in 1942 to
- 3 alleviate the country’s labor shortage during World War II. Over
- 4 the program’s 22-year life, more than 4.5 million Mexican

1 nationals, known as braceros, were legally contracted to work in
2 the United States; and

3 WHEREAS, Between 1942 and 1946, 10 percent of the braceros'
4 wages were deducted from each paycheck and set aside for a
5 "savings fund," ~~allegedly to be paid to the braceros upon their~~
6 ~~return to Mexico. Yet, to be paid to the braceros upon their return~~
7 ~~to Mexico and to ensure that the braceros would return to their~~
8 ~~country. Yet, even upon returning~~ most braceros never received
9 the savings that were automatically deducted from their paychecks;
10 and

11 WHEREAS, For years the braceros have petitioned the Mexican
12 government and, more recently, the Mexican bank, Banrural, to
13 acknowledge the existence of these funds. Farmworker activists
14 estimate the total sum owed to the braceros to be between \$150
15 million and \$3 billion, including interest; and

16 WHEREAS, Eight years ago, six braceros filed a class action
17 federal lawsuit, on behalf of themselves and other braceros, against
18 the Mexican government. Those six braceros and the Mexican
19 government have now entered into a proposed settlement, which
20 may entitle the braceros to a one-time award of 38,000 pesos each
21 from the Mexican government; and

22 WHEREAS, The Mexican government has stated that ~~the money~~
23 ~~from the settlement will initially only be distributed to those who~~
24 ~~prove they worked between the years of 1942 and 1946. Other~~
25 ~~braceros may file a claim for repayment from the remaining funds.~~
26 ~~However, Alejandra Bologna, Consul General in Sacramento's~~
27 ~~Mexican Consulate, confirmed that Mexico has expanded eligibility~~
28 ~~for a one-time \$3,500 payment to include the settlement only~~
29 ~~applies to braceros who worked from 1942 to 1946, which it said~~
30 ~~was the period when 10 percent of the braceros' wages were~~
31 ~~deducted. Many braceros claim the deduction continued after~~
32 ~~1946, and many braceros were unable to prove that they were~~
33 ~~employed during and after 1946. Requirements imposed on the~~
34 ~~braceros by the Mexican government are very stringent and~~
35 ~~difficult for braceros to fulfill, including a requirement to provide~~
36 ~~only original documents or certified (apostilled) copies. There are~~
37 ~~two categories of documents that must be presented: proof of~~
38 ~~Mexican citizenship (a Mexican-issued passport, Mexican voting~~
39 ~~card, Mexican military service card, or Declaracion de~~
40 ~~Nacionalidad Mexicana), and evidence of employment in the~~

1 *United States (proof of an individual work contract issued by a*
2 *United States employer, proof of payment of wages by a United*
3 *States employer, an apostilled social security record showing*
4 *payments derived from work in the bracero program, or a Mexican*
5 *Consular identification card). Only original or certified*
6 *replacement copies may be submitted. The Mexican government*
7 *has stated that eligibility for this payment includes any bracero,*
8 *or his or her heir or beneficiary, who can prove the worker was*
9 *employed in the program in the United States between the years*
10 *of 1942 and 1964 for a one-time payment of thirty-eight thousand*
11 *Mexican pesos (\$38,000) or about three thousand five hundred*
12 *dollars (\$3,500); and*

13 WHEREAS, The State of California has a unique social and
14 moral responsibility in this matter because many of the braceros
15 worked and resided in California and because many ~~are now elderly~~
16 *elderly braceros and their heirs or beneficiaries are now* residents
17 of this state; and

18 WHEREAS, All claims must be submitted no later than January
19 5, 2009, *in the United States and January 28, 2009, in Mexico.*
20 Claim forms must be submitted to one of the Mexican Consulates
21 in the United States or to the Consular Section of the Embassy of
22 Mexico in Washington, D.C., and must be received by the consulate
23 or the Consular Section of the Embassy of Mexico on or before
24 that date; now, therefore, be it

25 *Resolved by the Assembly and the Senate of the State of*
26 *California, jointly, That the Legislature of the State of California*
27 *urges the United States government—under the Obama*
28 *administration to urge the Mexican government to extend the*
29 *deadline for submitting a claim; and be it further*

30 *Resolved, That the Legislature urges the United States*
31 *government to urge the Mexican government to accept a variety*
32 *of documents, including, but not limited to, affidavits or copies of*
33 *original documents, to prove that a bracero or his or her heir or*
34 *beneficiary has a valid claim; and be it further*

35 *Resolved, That the Chief Clerk of the Assembly transmit copies*
36 *of this resolution to the President and Vice President of the United*
37 *States, to the Speaker of the House of Representatives, to the*
38 *Majority Leader of the Senate, to each Senator and Representative*
39 *from California in the Congress of the United States, to*
40 *Ambassador Arturo Sarukhan, Ambassador of Mexico to the*

- 1 United States, and to the Consul General of Mexico in the
- 2 following cities: Calexico, Fresno, Los Angeles, Oxnard,
- 3 Sacramento, San Diego, San Francisco, San Jose, and Santa Ana.

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